

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

LATRELL DEMETRIUS WINDOM,

Petitioner,

Case Number: 2:16-CV-10276

v.

HONORABLE PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

CARMEN PALMER,

Respondent.

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**ORDER GRANTING PETITIONER'S MOTION FOR  
LEAVE TO FILE AMENDED PETITION (ECF No. 4)**

Latrell Demetrius Windom (Petitioner), a prisoner in the custody of the Michigan Department of Corrections, filed a petition for a writ of habeas corpus. Now before the Court is Petitioner's Motion for Leave to File Amended Petition for Habeas Corpus.

Federal Rule of Appellate Procedure Rule 15(a)(1)(A), allows a party to amend a petition once as a matter of course within "21 days after serving it." Fed. R. Civ. P. 15(a)(1)(A). Here, more than 21 days passed between the time Petitioner filed his original petition and the date of his motion to amend. Therefore, Petitioner may not amend his petition as a matter of course. If a party may not amend a petition as a matter of course, a party may do so by leave of court pursuant to Fed. R. Civ. P. 15(a)(2). Rule 15(a)(2) provides that the court "should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2). Petitioner's request to amend his petition does not appear to be made in bad faith or to be an attempt to delay the proceedings. The amended petition provides

additional support and argument for the claims raised in the original petition. It does not raise additional claims for relief. Further, Respondent does not oppose the motion. The Court will grant the motion.

The Court GRANTS Petitioner's Motion for Leave to File Amended Petition (ECF No. 4) and Petitioner's amended petition (ECF No. 5) is accepted for filing.



PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

DATED: MAR 30 2017